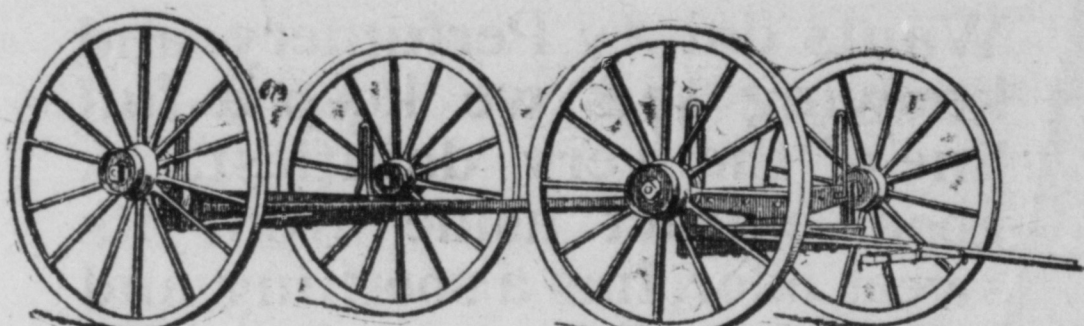


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## Mr. Carvell on the Hodgins Inquiry.

(Continued from last week.)

Then there is another letter from F. H. Huestis, assistant district engineer, another from C. L. Hervey, assistant district engineer, another letter from Benjamin Bourgeois, divisional engineer, another from Allan R. Matthews, resident engineer, all to the same effect as Mr. Doucet's letter. Then, we have the legal opinion of some of the most eminent lawyers in Canada. The question was put to these legal gentlemen how they would interpret these words in the specification, and we have printed in the evidence, first, a joint opinion from Geo. F. Shepley and E. Lafleur, then the opinion of Mr. O. H. Ritchie, of Toronto, then the opinion of Sir Alexander Lacoste, then the opinion of Donald Macmaster, and also the opinion of Wallace Nesbitt. I do not think my hon. friend (Mr. Lennox) would seriously dispute the legal opinion put forth by that array of counsel. I think we surely can put the opinion of these gentlemen forward as at least equal to the opinion of any similar number of men in Canada, and they all agree in saying that "solid rock" does not mean what Mr. Lumsden said it meant. Thus we have every district engineer, every divisional engineer, every resident engineer, and we have the opinion of these legal gentlemen to say that "solid rock" means rock in ledges, rock in masses and boulders of one cubic yard or upwards, or any conglomeration or mass of rock no matter how small it might be so long as it is in masses and in the opinion of the engineer could best be removed by blasting. These opinions were all submitted to Mr. Lumsden and Mr. Lumsden then submitted them to the Deputy Minister of Justice. I shall read what the Deputy Minister of Justice says. My hon. friend, after a good deal of barten, this morning read a portion of the letter. I was surprised that he did not read it with a little better grace because he might as well have admitted the facts as I would assume he would wish the people reading his remarks to get the whole story. After Mr. Lumsden received these opinions he made a second declaration of how he construed these clauses. The second declaration was broader than the first. He said that he would construe solid rock to be rock found in ledges or masses as specified, first, rock found in ledges, conglomerate, boulders or ledge rock displaced in pieces exceeding one cubic yard in size, rock assembled, the individual pieces of such as assembled rock exceeding one foot in size also shale rock.

Then he said he construed solid rock to include rock in ledges, boulders of one yard and upwards, masses joined together, provided the individual pieces composing those masses were of one cubic foot up to one yard in size. That was handed to the Deputy Minister of Justice, and the Deputy Minister of Justice said: I do not understand upon what principle the chief engineer limits the size to pieces exceeding one cubic foot. The specification speaks of rock found in ledges or masses of more than one cubic yard which in the judgment of the engineer may be best removed by blasting. If "rock assembled" may be regarded as a mass of rock, and if it may be best removed by blasting, I do not see

why under the specification it is material whether the individual pieces exceed or are less than one cubic foot in size, and if "rock assembled" is not regarded as a mass, the minimum limit of size which can be classified as solid rock exceeds one cubic yard.

After receiving this letter Mr. Lumsden again changes his opinion and sends out a third interpretation of this cause in the specification, and the third is practically the same as the second, excepting that he tells his engineers if they find rock in masses joined together, no matter what the sizes of the individual pieces may be, in the opinion of the engineers, it may be the best to remove it by blasting, he classifies it as solid rock.

This brings us down to the 10th of January, when that is finally decided as being the construction of these clauses in the contract, and from that forward every engineer was told to classify according to that manner. He even sent a blue print picturing out how the different things could be formed together in order to make solid rock, and from that down all this work has been classified according to that interpretation.

I want to go back just for a moment to what took place as to the amounts. We have in evidence, on page 412, a letter by Mr. Doucet written to Mr. Parent, discussing the question of the over classification alleged by Mr. Wood in his letter of October 7th, and he says that he and Mr. Armstrong went over the matter and they found that not more than 14 per cent of the classification was in question at all, and they figured out that if this 14 per cent had been classified entirely as the Grand Trunk Pacific claims it should have been it would amount to a difference of only \$25,982. But later, at page 417, he says:

But on going over Mr. Armstrong's figures with him yesterday we found that several errors had crept into his calculations, so that the difference in the percentage is not 14 per cent but only 3 per cent.

And then he figures out that taking only 3 per cent, the only difference in dispute between July and August, would be \$3,457, and it is upon this statement of affairs that these complaints of the Grand Trunk Pacific were made to the commission.

I wish now to direct your attention to Direct F. We must remember that there was trouble all the time in District F between the district engineer, Major Hodgins, and his assistant Mr. Heaman, and the other engineers. I think it was necessary to point this out particularly in order that there may be no question about it, because I consider that this question of trouble between the assistant district engineer, Heaman, and the other engineers is a very important element in this discussion. It is stated here that Mr. Grant went out there as inspecting engineer and made a report on the work which was not very complimentary to Major Hodgins. Major Hodgins was brought down to Ottawa on the last day of July, 1907, and he made a counter report, or reply, to Mr. Grant's report. In this reply to Mr. Grant, which will be found at page 25 of the evidence, we find:

Mr. Heaman spent a good deal of his time on the work, but not as much as he wished because some of the divisional engineers did not consider that he should have got the appointment. I visited three divisions myself. I was perfectly satisfied with Mr. Heaman, and have every confidence in his ability and judgment, and, if I find there is still any friction, I must ask for authority to discharge any division engineer who is inclined to make trouble.

I do not know what better evidence we could want of friction and difficulty between Mr. Heaman and those under him than we have in this report of Major Hodgins in reply to Mr. Grant's report on his work. At the time Major Hodgins was dismissed from the service Heaman was sent to another portion of the work further inland. In a few weeks he resigned and accepted a position with the Grand Trunk Pacific, and while I am not here to find fault with the Grand Trunk Pacific, I think if we want another evidence of the fact that the Grand Trunk Pacific is not in collusion with the commission in order to make this work cost more than it ought to, we have this absolute evidence in their conduct with regard to Heaman. Here is a man who had quarrelled with all the engineers under him, who had become so obnoxious that his chief, Major Hodgins, had reported to the chief engineer that if these divisional engineers did not stop finding fault with him he would have to ask authority to dismiss yet within one month after Major Hodgins left his work this Mr. Heaman was taken by the Grand Trunk Pacific and appointed to be their inspecting engineer over the very engineers with whom he had had the difficulty. If that is not an unfriendly act, I do not know

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what would constitute one; and you can depend upon it, that from that out it was Heaman's business to make things just as uncomfortable for the engineers as he could, and I think the future developments have shown that he performed his work to the very letter, because we find that he not only made report after report finding fault with the classification in that district—and it is on these reports that Mr. Wood's letter of April 21 was written—but that he betrayed the trust reposed in him and was in constant communication

with Hodgins. Although he was sworn to secrecy, he was the man who was furnishing the evidence to Major Hodgins and on those statements Major Hodgins was able to make these charges. I do not know Mr. Heaman, never saw him, but if there is a man who has appeared to disadvantage in this matter, it is Mr. Heaman. And if the Grand Trunk Pacific want to be fair, if they want to carry out the work according to the spirit and as business men should, the only fair thing they can

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